

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

Chapter 7

MAN KIT NG,

Case No. 11-46867 (CEC)

Debtor.

ROBERT L. GELTZER, as Trustee of
the Estate of **MAN KIT NG**,

Plaintiff,

- against -

Adv. Proc. No. 12-01343 (CEC)

MAN KIT NG,

Defendant.

NOTICE OF DISMISSAL

WHEREAS, on August 9, 2011, Man Kit NG, the debtor (the "Debtor"), filed a petition under Chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code"); and

WHEREAS, on or about August 9, 2011, Robert L. Geltzer, the Chapter 7 trustee (the "Trustee"), was appointed by the United States Trustee to serve as interim Trustee for the estate of the Debtor and is now qualified and acting as such Trustee.

WHEREAS, on December 21, 2012, the Trustee commenced the within adversary proceeding against Man Kit NG (the "Defendant") pursuant to § 727 of the Bankruptcy Code to revoke the Debtor's discharge (the "Action"); and

WHEREAS, on January 24, 2013, the Defendant moved (the "Motion") to dismiss the Action; and

WHEREAS, on February 5, 2013, the Trustee filed opposition to the Motion; and

WHEREAS, on February 12, 2013, the Court held a hearing in connection with the Motion, at which counsel for the Defendant and Trustee appeared and were heard; and

WHEREAS, on February 12, 2013, the Motion was withdrawn; and

WHEREAS, on March 26, 2013, the Court entered a scheduling order (the "Discovery Order") setting deadlines for submission of discovery which provided for, among other things, the turnover of "all documents requested on pages three through five of the complaint on or before May 15, 2013"; and

WHEREAS, the Defendant failed to comply with the Discovery Order; and

WHEREAS, on June 13, 2013, the Court entered a second scheduling order (the "Second Discovery Order") setting deadlines for submission of discovery which provided for, among other things, a document production deadline of June 19, 2013; and

WHEREAS, the Defendant failed to comply with the Second Discovery Order; and

WHEREAS, on July 25, 2013, the Court entered a third scheduling order (the "Third Discovery Order") directing the Defendant to comply with discovery which provided for, among other things, a document production deadline of August 15, 2013; and

WHEREAS, on or about August 14, 2013, the Defendant substantially complied with the Third Discovery Order; and

WHEREAS, according to the Court's docket, the Defendant never filed an answer to the complaint; and

WHEREAS, the Trustee affirms, under penalty of perjury, that pursuant to Local Bankruptcy Rule 4004-1, no consideration has been paid or promised to the Trustee; and

WHEREAS, pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure, and Rule 41(a)(1) of the Federal Rules of Civil Procedure the above entitled adversary proceeding is hereby dismissed without prejudice by plaintiff Robert L. Geltzer, as Chapter 7 Trustee.

Dated: New York, New York
August 30, 2013

The Law Offices of
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By: /s/ Robert L. Geltzer
Robert L. Geltzer (RG 4656)